

REMARKS

In the Non-Final Office Action, the Examiner rejects claims 8-12 under 35 U.S.C. § 103(a) as unpatentable over OKADA (U.S. Patent Application Publication No. 2003/0164822A1). Applicant respectfully traverses the rejection.

By way of the present amendment, Applicant amends claims 8, 9, and 11 to improve form, and add new claims 25-30. No new matter has been added by way of the present amendment. Claims 1, 4, 5, 8-16, and 20-30 are now pending, of which claims 1, 4, 5, 13-16, and 20-24 have been withdrawn from consideration.

Statement Regarding Substance of Interview

In accordance with Applicant's duty to provide a summary of an interview, Applicant submits that an interview, with the Examiner, occurred on November 4, 2010. Applicant appreciates the courtesies extended by Examiner Shafid during the interview. During the interview, Applicant's representative presented arguments as to how the claimed invention distinguishes from the applied references. Applicant's representative and the Examiner discussed proposed amendments to the claims to improve form, which proposed amendments are substantively included in the pending claims.

Rejection under 35 U.S.C. § 103(a) based on OKADA

Claims 8-12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over OKADA. Applicant respectfully traverses this rejection.

Independent claim 8, as amended, is directed to a portable electronic device to at least partly organize data in relation to fix points of geographic locations, the portable electronic device comprising a positioning unit to determine a geographic location of a user; a first data receiving unit to capture, based on input from the user, electronic media; where the captured

electronic media comprises at least one of one or more picture files, or one or more video files; a second data receiving unit to receive a link to the captured electronic media; and a control unit to receive selection, from the user, of one or more fix points, from the fix points of the geographic locations, on a map provided to the user, the map including the geographic locations, where the selected one or more fix points are selected, by the user and based on the map provided to the user, prior to receiving the link, receive the determined geographic location of the user from the positioning unit, determine whether a particular fix point, of the selected one or more fix points, is a closest fix point, of the selected one or more fix points, to the determined geographic location of the user, associate the determined geographic location of the user with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, associate the captured electronic media with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, receive the link from the particular fix point to the captured electronic media based on associating the captured electronic media with the particular fix point, the link allowing the captured electronic media to be retrieved upon selection of the particular fix point on the map provided to the user, and provide the captured electronic media to the user in response to receiving the selection of the particular fix point on the map and based on the received link. OKADA does not disclose or suggest one or more of these features.

For example, OKADA does not disclose or suggest a portable electronic device comprising a control unit to receive selection, from a user, of one or more fix points, from fix points of geographic locations, on a map provided to the user, the map including the geographic locations, where the selected one or more fix points are selected, by a user and based on the map provided to the user, prior to receiving a link (to captured electronic media), determine whether a

particular fix point, of the selected one or more fix points, is a closest fix point, of the selected one or more fix points, to a determined geographic location of the user (where the electronic media was captured), associate the determined geographic location of the user with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, and associate the captured electronic media with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, as recited in claim 8, as amended.

The Examiner relies on Fig. 19 and paragraphs 0131, 0136, and 0137 of OKADA as allegedly disclosing “a control unit to receive selection, from the user, of one or more fix points on a geographical map, where the one or more fix points are selected by the user prior to receiving the link, receive the geographic location of the user from the positioning unit, associate the geographic location of the user with a particular fix point, of the one or more fix points, associate the captured electronic media with the particular fix point” (non-final Office Action, pp. 3 and 4). Without acquiescing in the Examiner’s allegations, Applicant respectfully submits that neither these sections nor any other sections of OKADA disclose or suggest the above features of claim 8, as amended.

At paragraph 0131, which describes Fig. 19, OKADA discloses:

The latitude and longitude of the present position calculated by the portable telephone signal positioning processing unit 80 and the GPS unit 90 is sent to a CPU 72 via an interface (I/F) unit 71.

This section OKADA discloses that a portable telephone signal positioning processing unit and a GPS unit, of a portable telephone, calculate a latitude and a longitude of a present position. However, this section of OKADA does not disclose or suggest that the portable telephone includes a control unit to receive selection, from a user, of one or more fix points, from fix points

of geographic locations, on a map provided to the user, the map including the geographic locations, where the selected one or more fix points are selected, by a user and based on the map provided to the user, prior to receiving a link (to captured electronic media), determine whether a particular fix point, of the selected one or more fix points, is a closest fix point, of the selected one or more fix points, to a determined geographic location of the user (where the electronic media was captured), associate the determined geographic location of the user with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, and associate the captured electronic media with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, as would be required under the Examiner's interpretation of OKADA.

In fact, neither this section nor any other section of OKADA discloses or suggests that the portable telephone receives selection, from a user, of one or more fix points, from fix points of geographic locations, on a map provided to the user, the map including the geographic locations, where the selected one or more fix points are selected by a user and based on the map provided to the user. At best, and in stark contrast to the above features of claim 8, as amended, OKADA specifically discloses that a user selects a facility name from a drop-down menu (Fig. 4 and paragraph 0064 of OKADA), *not from a map, including geographic locations, that is provided to the user.* Moreover, neither this section nor any other section of OKADA discloses or suggests that the portable telephone determines whether a particular fix point, of one or more fix points selected by the user on a map (that includes geographic locations) provided to the user, is a closest fix point, of the selected one or more fix points, to a determined geographic location of the user where electronic media was captured.

Accordingly, OKADA does not disclose or suggest a portable electronic device comprising a control unit to receive selection, from a user, of one or more fix points, from fix points of geographic locations, on a map provided to the user, the map including the geographic locations, where the selected one or more fix points are selected, by a user and based on the map provided to the user, prior to receiving a link (to captured electronic media), determine whether a particular fix point, of the selected one or more fix points, is a closest fix point, of the selected one or more fix points, to a determined geographic location of the user (where the electronic media was captured), associate the determined geographic location of the user with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, and associate the captured electronic media with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, as recited in claim 8, as amended.

At paragraphs 0136 and 0137, OKADA discloses:

FIG. 20 shows an appearance of and an exemplary display on the portable telephone 70. The local radio communication antenna 133 is arranged on the right lateral side. The GPS antenna 91 is arranged on the right side on the top part and the portable telephone antenna 81 is arranged on the left side on the top part. In a title display part 75a of the screen on the LCD 75, a name of facilities of interest "Tokyo Tower" in the case where the portable telephone 70 was used as an electronic travel guide device is displayed. In an explanation display part 75b, user information in the form of text data as well as guide information is displayed. In a selected image display part 75c, a photographic image showing an appearance of "Tokyo Tower" is displayed as guide information. In this selected image display part 75c, a photographic image taken by the user as the user information may be displayed in accordance with the selection by the user. In a map display part 75d, a location mark 75e of "Tokyo Tower" as the facilities of interest and a present position mark 75f obtained through measurement by the GPS unit 90 of the portable telephone 70 are displayed.

As the portable telephone 70 is used as an electronic travel guide device, texts, image and map are displayed at the same time. If the user views a map covering the position where the user is now, the user can confirm his/her own position on

the map. Since the latitude and longitude are recorded in map data irrespective of whether its format is a vector format or image format, the present position can be displayed using not only positioning information acquired by the GPS unit 90 but also positioning information acquired from other equipments via the local radio communication unit 130 and positioning information acquired from the base station via the portable telephone signal positioning processing unit 80. Also the setting of destination and navigation including route guide are possible. Of course, since the portable telephone 70 can handle the POI information, it can carry out processing similar to the processing described with reference to FIGS. 10 to 16.

This section OKADA discloses a display, on a portable telephone, that includes a name of facilities of interest (which the Examiner appears to allege corresponds to the recited one or more fix points), a photographic image showing an appearance of the facilities of interest a location mark of the facilities of interest, and a present position mark of the portable telephone.

However, this section of OKADA does not disclose or suggest that the portable telephone includes a control unit to receive selection, from a user, of one or more fix points, from fix points of geographic locations, on a map provided to the user, the map including the geographic locations, where the selected one or more fix points are selected, by a user and based on the map provided to the user, prior to receiving a link (to captured electronic media), determine whether a particular fix point, of the selected one or more fix points, is a closest fix point, of the selected one or more fix points, to a determined geographic location of the user (where the electronic media was captured), associate the determined geographic location of the user with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user, and associate the captured electronic media with the particular fix point when the particular fix point is the closest fix point to the determined geographic location of the user.

In fact, neither this section nor any other section of OKADA discloses or suggests that the portable telephone receives selection, from a user, of one or more facilities of interest, from a plurality of facilities of interest, on a map provided to the user, the map including the geographic locations of the facilities of interest, where the selected one or more facilities of interest are selected by a user and based on the map provided to the user. At best, and in stark contrast to the above features of claim 8, as amended, OKADA specifically discloses that a user selects a facility name from a drop-down menu (Fig. 4 and paragraph 0064 of OKADA), not from a map, including geographic locations, that is provided to the user. Moreover, neither this section nor any other section of OKADA discloses or suggests that the portable telephone determines whether a particular fix point, of one or more fix points selected by the user on a map (that includes geographic locations) provided to the user, is a closest fix point, of the selected one or more fix points, to a determined geographic location of the user where the electronic media was captured.

Accordingly, OKADA does not disclose or suggest the above features of claim 8, as amended.

For at least the foregoing reasons, Applicant submits that claim 8, as amended is patentable over OKADA. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 103(a) based on OKADA.

Claims 9-12 depend from claim 8. Therefore, claims 9-12 are patentable over OKADA for at least the reasons given with respect to claim 8. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 9-12 under 35 U.S.C. § 103(a) based on OKADA.

New Claims

New claims 25-30 depend from claim 8. Thus, Applicant respectfully submits that claims 25-30 are patentable over the applied references for at least the reasons given above with respect to claim 8.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions regarding Official Notice, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070, and please credit any excess fees to such deposit account.

Respectfully submitted,

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